

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 ANTWOINE SCONIERS,

Case No. 2:22-cv-01739-GMN-VCF

4 Plaintiff

ORDER

5 v.

(ECF No. 20)

6 WARDEN CALVIN JOHNSON, et al.,

7 Defendants

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10 This action began with a pro se civil-rights complaint filed under 42 U.S.C. § 1983
11 by a state prisoner. After screening Plaintiff's complaint and allowing certain claims to
12 proceed, the Court stayed this action for 90 days and ordered the parties to mediate with
13 a court-appointed mediator on May 19, 2023. (ECF Nos. 14, 21, 30). Interested party
14 Nevada Department of Corrections ("NDOC") moved to continue the mediation
15 conference to a later date, arguing that Plaintiff would be released from NDOC custody
16 two days before the conference's date. (ECF No. 33). The Court granted the NDOC's
17 unopposed motion and rescheduled the mediation conference for 8:30 a.m., on July 28,
18 2023. (ECF Nos. 34, 35). The Court instructed Plaintiff that under Nevada Local Rule IA
19 3-1, she was required to "immediately file a written notification of any change of mailing
20 address, email address, telephone number, or facsimile number" in the event she was
21 released from custody before the mediation. (ECF No. 35 at 5). And the Court cautioned
22 Plaintiff that failure to file her updated address with the Court "may result in dismissal of
23 the action, entry of default judgment, or other sanctions as deemed appropriate by the
24 court." (*Id.*)

25 According to the NDOC inmate database, Plaintiff is no longer incarcerated. But
26 Plaintiff has not filed her updated address with the Court or submitted a confidential
27 mediation statement in compliance with the Court's May 8, 2023, order. And Plaintiff's
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1 application to proceed *in forma pauperis* for an inmate is moot because she is no longer
2 incarcerated.

3 For the foregoing reasons, it is ordered that the mediation conference scheduled
4 for July 28, 2023, is vacated.

5 It is further ordered that Plaintiff must file an updated address with the Clerk of the
6 Court by August 16, 2023.

7 It is further ordered that Plaintiff's application to proceed *in forma pauperis* for an
8 inmate (ECF No. 20) is denied as moot.

9 It is further ordered that Plaintiff must either file a fully complete application to
10 proceed *in forma pauperis* for non-prisoners or pay the full \$402 filing fee by August 16,
11 2023.

12 It is further ordered that if Plaintiff fails to timely comply with this order, this action
13 will be subject to dismissal without prejudice. Dismissal without prejudice allows Plaintiff
14 to refile the case with the Court, under a new case number, when Plaintiff can comply
15 with the Court's orders and either pay the required filing fee or apply for *in forma pauperis*
16 status.

17 The Clerk of the Court is directed to send Plaintiff the approved form application to
18 proceed *in forma pauperis* for non-inmates as well as the document titled information and
19 instructions for filing an *in forma pauperis* application.

20 DATED THIS 17th day of July 2023.

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UNITED STATES MAGISTRATE JUDGE

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